

Agency Activity Inventory
by Agency
Appropriation Period: FY 2004-05

Agency: L36 - Human Affairs Commission

Functional Group: Social
Rehabilitation

1140 Board of Commissioners

The Board of Commissioners, consisting of 15 members, sets policy for the Agency's operations and activities; supervises receipt, investigation and resolution of public sector cases of employment discrimination; conducts public hearings, as required; and meets frequently, or at the call of the Chair, to conduct business of the Commission. Section 1-13-40 of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$9,500	\$9,500	\$0	No	\$0	0.00

Expected Results:

Provide effective oversight of the Commission

Outcome Measures:

Appropriate administration of the Agency's programs and activities for the citizens of South Carolina.

Agency: L36 - Human Affairs Commission

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1141 Administration

The Administrative Unit is responsible for the overall operation and provision of support services for the Agency, as well as serving as a point of contact for, and as facilitator in the statewide community with respect to the Agency's mission. The Agency administers the South Carolina Human Affairs Law of 1972, as amended; the South Carolina Fair Housing Law as enacted in 1989; and the Equal Enjoyment and Privileges to Public Accommodations Act of 1990. The Commissioner, the Chief Executive Officer of the Agency, is employed by the Agency's Governing Board (15 Members) with the approval of the Governor. The Commissioner directs and coordinates all agency operations and ensures they effectuate the policies, rules and regulations established by the Commission and the mandates of the South Carolina Human Affairs Law. These include various regulations and reporting requirements of the Governor's Office, General Assembly, Budget and Control Board and other State Government agencies and certain federal regulations regarding recordkeeping and reporting. The Commissioner is responsible for hiring an administrative staff to assist in carrying out the support services necessary for the smooth operation of the Agency. The administrative staff consists of finance and budgeting, legal services, human resource management, information technology, procurement and public information. Section 1-13-10 et. seq. of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$592,118	\$592,118	\$0	No	\$0	9.00

Expected Results:

Agency Activity Inventory by Agency Appropriation Period: FY 2004-05

That the Agency's legal mandates are carried out; all recordkeeping and reporting is accomplished by the administrative personnel; that the administrative personnel respond to the needs of the Commissioner, Governing Board, and staff of each programmatic area.

Outcome Measures:

The Agency runs smoothly; applies appropriate administration of the Agency's legal mandates, programs, and activities for the citizens of South Carolina.

Agency: L36 - Human Affairs Commission

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1142 Legal

The Legal Unit provides advice and counsel necessary to ensure the proper enforcement of all laws assigned to the Agency. It also provides the necessary legal consultation and services to the Agency by reviewing complaints and investigated files; provides legal assistance to both Agency personnel in the conduct of their duties and to private citizens; drafts pleadings, legislation, agreements and other related documents as appropriate; prosecutes complaints before the Commission, as provided by law; litigates cases in court, as provided by law, and conducts legal research. Sections 1-13-50 & 1-13-70 of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$77,743	\$77,743	\$0	No	\$0	1.00

Expected Results:

1. Improve the ability of the Agency to achieve the enforcement of its assigned laws efficiently and effectively.
2. Provide legal advice and counsel to Agency staff, government agencies as well as to businesses and individuals.

Outcome Measures:

1. Process subpoenas for enforcement to ensure timeliness of investigations.
2. Respond to the requisite number of Freedom of Information Act (FOIA) requests.
3. Participation in numerous outreach and training seminars.

Agency: L36 - Human Affairs Commission

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1143 Technical Services & Training

The Commission was created to prevent and eliminate problems in human affairs. The Technical Services and Training Division's primary purpose and functions are to prevent discrimination. The Division provides the technical support and necessary consultation and training to state agencies that are required by state law (Sections 1-13-110 & R65-20 of the South

Agency Activity Inventory
by Agency
Appropriation Period: FY 2004-05

Carolina Code of Laws of 1976, as amended) to develop and file with this Agency, affirmative action plans that are compliant with state and federal regulations. We expect to assist 84 state agencies develop affirmative action plans this year. In addition, the Division monitors agencies' affirmative action compliance, and in accordance with Section 1-13-110 of the South Carolina Human Affairs Law and Proviso 72.16 of the FY 2004-2005 Appropriations Act, the Division prepares and submits a report on the status of State Agencies' Affirmative Action Plans and Programs by February 1st of each year to the General Assembly. The Division also develops and teaches educational seminars designed to familiarize employers with state and federal EEO laws and recommends practical methods to prevent discrimination. These seminars are offered to any employer, public or private, including the SC General Assembly, upon request. During the last fiscal year, approximately 3,000 managers and supervisors benefited from this training. Section 1-13-70 of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$379,878	\$307,727	\$0	No	\$72,151	7.50

Expected Results:

1. Assist 84 State agencies in developing affirmative action plans.
2. Train managers and supervisors.

Outcome Measures:

1. Seventy-Six approved affirmative action plans for 87% of plans filed.
2. Train approximately 3,000 employers and supervisors.

Agency: L36 - Human Affairs Commission

Functional Group: Social
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1144 Community Relations

The Community Relations Division was created to encourage local resolution of local problems and to foster better community relations throughout the State. The Division uses conference, conciliation and persuasion to bring together cross sections of people to resolve disputes involving alleged discrimination in police-community relations, education, public accommodations, business practices and other non-employment issues. Section 1-13-70 of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$54,702	\$0	\$0	No	\$54,702	5.00

Expected Results:

1. Creation of local Community Relations Councils across the State.
2. Train members on identification of problems, setting priorities in program planning and development, and planning for funding processes for community projects.

Outcome Measures:

1. Eighteen (18) Councils have been created with an expectation of creating fifteen (15) additional councils in FY 2004-2005. Continued training and technical assistance to councils.
2. Seventy-five percent (75%) of local community problems resolved by Councils.

Agency Activity Inventory
by Agency
Appropriation Period: FY 2004-05

Agency: L36 - Human Affairs Commission

Functional Group: Social
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1145 Intake & Referral

Intake and Referral services are provided for persons who believe they have been discriminated against in the areas of employment or other practices on the basis of race, religion, color, sex, age (40 or above), national origin or disability, or public accommodations on the basis of race, color, religion, or national origin. This process involves the initial receipt of inquiries and complaints, screening, interviewing, gathering records and documents, and drafting formal charges of discrimination. This initial stage leads to either mediation, investigation, waiver to the federal government or dismissal and/or referral to a more appropriate source. The normal turnaround processing time is generally within 30 days or less. There were approximately 25,000 to 30,000 requests for assistance in FY 2003. Section 1-13-10 et. seq. of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$277,102	\$146,560	\$0	No	\$130,542	5.00

Expected Results:

1. Provide timely service to potential complainants contacting the Agency by mail, telephone, or personal visit.
2. Complete, in a timely manner, the writing of charges to stay within the 30-day turnaround timeframe or less.
3. Provide proper processing and referral of all complaints in a timely manner.

Outcome Measures:

1. From the inquiries received, framed 1,900 formal charges of discrimination.
2. Refer approximately 566 non-jurisdictional complaints to appropriate agencies or sources.

Agency: L36 - Human Affairs Commission

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1146 Employment Discrimination Investigations

This activity provides for the intake, mediation, investigation, and resolution of complaints of unlawful employment discrimination based on race, color, sex, age (40 or above), religion, national origin and mental or physical disability filed against private and public sector employers located in South Carolina (Section 1-13-10 et. seq. of the South Carolina Code of Laws of 1976, as amended). Implementation of this activity enables the State to attain and maintain deferral status over complaints arising in South Carolina which are filed with the U. S. Equal Employment Opportunity Commission (USEEOC) under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$909,638	\$267,525	\$0	No	\$642,113	21.50

Agency Activity Inventory by Agency Appropriation Period: FY 2004-05

Expected Results:

1. Maximize the number of complaints investigated and resolved consistent with the agency's staffing level while assuring adherence to applicable state and federal qualitative standards. 2. Maintain a 100% acceptance rate of Agency final actions by the USEEOC. 3. Minimize the need for many cases of alleged employment discrimination to proceed to litigation. 4. Encourage voluntary compliance with state and federal laws regarding equal employment opportunity. 5. Reduce both the need and opportunity for federal enforcement in the State.

Outcome Measures:

1. Receipt of 2,300 employment discrimination complaints. Investigate to final action 1,200 cases, thereby generating \$600,000 in USEEOC revenue for the agency, and reducing the need for federal enforcement. 2. Maintain a 100% rate of acceptance of complaint dispositions by the USEEOC. 3. Processed over 7,000 complaints since FY 1998-89. During that period of time, no final action has been overturned by the USEEOC, and only one (1) final action has been overturned by any court (a decision overturned by the U. S. Fourth Circuit Court of Appeals based on evidence which was not available during the original investigation by SCHAC). Maintain the same rate of complaint processing. 4. Complaints filed against state agencies have decreased as a percentage of the overall caseload since the Agency was created. This suggests an impact which is attributable, at least in part, to the Agency's employment discrimination complaint investigations activity.

Agency: L36 - Human Affairs Commission

Functional Group: Social
Rehabilitation

1147 Mediation

Mediation is an alternative means of redress for South Carolinians who believe that they have been subjected to unlawful employment discrimination on the basis of race, religion, color, sex, age (40 or above), national origin or disability. The primary benefit of this service is to provide a greater potential to preserve some semblance of healthy employee/employer relationship in the future as opposed to the adversarial position parties assume when complaints are investigated. There were 170 mediations conducted in FY 2003-2004 and resulted in 105 agreements to settle the disputes. Section 1-13-70 of the SC Code of Laws of 1976, as amended.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$67,253	\$67,253	\$0	No	\$0	1.00

Expected Results:

1. Reduce the length of time and resources spent by the agency in resolving complaints of alleged discrimination. 2. Preserve, to the extent possible, positive relationships between parties involved in cases under review by the agency. 3. Achieve higher levels of participation in the mediation process from both complainants and employers.

Outcome Measures:

1. Reduction in the number of days cases are under review by the agency. 2. Maintain or improve case processing time from 63 to 56 days. 3. Case resolution rate increased from 46% to 62% this fiscal year. Seek to increase or improve the rate of case resolutions.

Agency Activity Inventory
by Agency
Appropriation Period: FY 2004-05

Agency: L36 - Human Affairs Commission

Functional Group: Social
Rehabilitation

1148 Fair Housing Investigations

The SC Fair Housing Law of 1988 (Section 31-21-10 et. seq. of the SC Code of Laws of 1976, as amended), makes housing discrimination unlawful because of a person's race, color, religion, sex, national origin, physical or mental handicap or familial status. The Commission enforces this law through investigative action. In FY 2003-2004, the Agency processed to final resolution 75 fair housing complaints.

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$212,213	\$0	\$212,213	No	\$0	3.00

Expected Results:

1. Process and investigate complaints in an efficient and effective manner. 2. Conduct case processing within the strict 100-day timeframe. 3. Maximize the number of complaints resolved consistent with the Agency's staffing level while assuring adherence to applicable state and federal qualitative standards. 4. Maintain a high acceptance rate of final actions by the U. S. Dept. of Housing & Urban Development (HUD). 5. Conciliation of cases in accordance with HUD regulations and guidelines and the SC Fair Housing Law. 6. Reduce the need and opportunity for federal enforcement within the State.

Outcome Measures:

1. Final resolution through conciliation and investigation of all fair housing complaints. Seventy-five such complaints were investigated or conciliated in FY 2003-2004. 2. Maintain a 75% case processing within the 100-day timeframe. 3. Minimize the need for costly litigation to complainants by maintaining a high percentage of case resolutions. 4. Final resolution of 75 Fair Housing complaints generates approximately \$249,713.00 from HUD through our Memorandum of Understanding.

Agency: L36 - Human Affairs Commission

Functional Group: Social
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1149 Fair Housing - Education & Outreach

The Commission seeks to inform the citizens and affected entities of their rights and responsibilities under the Fair Housing Law through education and outreach (prevention and enforcement). Specifically tailored training for community groups, housing providers, and banks are provided upon request. Since the inception of the Law, the Commission has held over 60 education and outreach seminars throughout the State of South Carolina. The Commission's Education and Outreach program makes a special effort to reach the underserved communities and populations. Section 31-21-100 of the SC Code of Laws of 1976, as amended.

Agency Activity Inventory
by Agency
Appropriation Period: FY 2004-05

FY 2004-05					
Total	General Funds	Federal Funds	FM	Other Funds	FTEs
\$37,500	\$0	\$37,500	No	\$0	0.00

Expected Results:

1. A better educated population relative to the Fair Housing Law. 2. Prevention of housing discrimination within the state through a comprehensive understanding of the Fair Housing Law. 3. Use of the Agency as a valuable resource relative to issues of fair housing. 4. Encourage voluntary compliance of state and federal laws regarding fair housing. 5. Provide citizens with information on how to access the Commission relative to fair housing discrimination.

Outcome Measures:

1. Better access to the Agency by the citizens and housing providers relative to information about the Fair Housing Law. 2. Dissemination of more than 15,000 fair housing brochures and 1,200 posters to potential complainants and fair housing providers annually.

AGENCY TOTALS

Human Affairs Commission

TOTAL AGENCY FUNDS	TOTAL GENERAL FUNDS	TOTAL FEDERAL FUNDS	TOTAL OTHER FUNDS	TOTAL FTEs
\$2,617,647	\$1,468,426	\$249,713	\$899,508	53.00